



## ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

**Second Account and Report of Successor Trustee and Petition for Allowance of Trustee Fees and Attorney Fees**

<b>Age: 18 years</b>		<b>MARK OLSEN</b> , private professional fiduciary, is petitioner.  Account period: 8/1/12 – 7/31/14  Accounting - <b>\$491,788.63</b> Beginning POH - <b>\$335,240.14</b> Ending POH - <b>\$327,102.40</b>  <b>Current Bond is \$448,888.64</b> (sufficient)  Attorney - <b>\$3,610.00</b> (per itemization and declaration, 17 hours @ \$200 to \$350 per hour)  Trustee - <b>\$8,587.00</b> (Trustee is allowed \$350 per month on account. He has been paid \$7,812.00 leaving a balance of \$775.00 outstanding)  <b>Petitioner prays for an Order:</b>  1. Approving, allowing and settling the second account; 2. Ratifying, confirming and approving the acts and transactions of Petitioner as Trustee; 3. Authorizing the Trustee's fee in the amount of \$8,587.00 of which \$775.00 remains unpaid; 4. Authorizing the Trustee to pay his attorney the sum of \$3,610.00 from the estate for services rendered.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. Beginning property on hand in this, the 2 <sup>nd</sup> account is \$335,240.14. The ending property on hand in the first account was \$324,340.99 a difference of \$10,900.15. The beginning property on hand for the 2nd account must be the same as the ending property on hand in the first account. Need amended accounting. 2. Attorney fees includes \$120 for communications with the Probate Examiner (identified as court investigator in the declaration). Local Rule 7.17B considers communication with the Probate Examiner to be a normal cost of doing business and is therefore not reimbursable. 3. Disbursement schedule shows payments totaling \$655.00 to Grey Roberts for professional services. Need more information on what professional services where provided. 4. Disbursement Schedule shows legal fees totaling \$6,223.26. Order approving the First Account allowed attorney fees totaling \$4,962.50. A difference of \$1,260.76. Need clarification.  <b>Please see additional page.</b>
<b>Cont. from</b>			
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/>	<b>Verified</b>		
<input type="checkbox"/>	<b>Inventory</b>		
<input type="checkbox"/>	<b>PTC</b>		
<input type="checkbox"/>	<b>Not.Cred.</b>		
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>		
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<input type="checkbox"/>	<b>Aff.Pub.</b>		
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input type="checkbox"/>	<b>Pers.Serv.</b>		
<input type="checkbox"/>	<b>Conf. Screen</b>		
<input type="checkbox"/>	<b>Letters</b>		
<input type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input type="checkbox"/>	<b>9202</b>		
<input checked="" type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		

<b>Reviewed by: KT</b>
<b>Reviewed on: 12/15/14</b>
<b>Updates:</b>
<b>Recommendation:</b>
<b>File 1 - Bustos</b>

**NEEDS/PROBLEMS/COMMENTS (cont.):**

5. Disbursement schedule identifies several disbursements (totaling \$6,000.08) as "- split- -" Probate Code §1062(b) requires the disbursement schedule to include the nature and purpose of each item, the name of the payee and the date thereof. Need clarification.
6. Disbursement schedule shows a payment of \$507.40 on \$10/25/12 without identifying what the purchase was for. Need clarification.
7. Order does not comply with Local Rule 7.6.1C. All orders settling accounts shall contain a statement as to the balance of the estate on hand, specifically noting the amount of cash included in the balance.

**Note:** If the petition is granted, status hearings will be set as follows:

- **Wednesday, September 28, 2016** at 9:00 a.m. in Department 303, for the filing of the third account.

Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior the date set the status hearing will come off calendar and no appearance will be required.

Atty Kruthers, Heather H. (for Petitioner Public Guardian, Conservator)

## (1) Second Account Current and Report of Conservator and (2) Petition for Allowance of Compensation to Conservator and Attorney

<b>Age: 56 years</b>		<b>PUBLIC GUARDIAN</b> , Conservator of the Persona and Estate, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>Note:</b> Proof of Service by Mail of the Notice of Hearing filed 12/3/2014 shows notice was mailed to Conservatee's spouse, <b>SANDIE HERMOSILLO</b> , on 12/2/2014, making Petitioner's request that the Court order notice to her be dispensed with unnecessary, unless Petitioner intends that this request to apply to all future hearings regarding the Conservatee. Need clarification regarding the request to dispense with notice. Additionally, Proof of Service by Mail of the Notice of Hearing filed 12/3/2014 shows notice has not been mailed to <b>JESSICA HERMOSILLO</b> , Conservatee's daughter and caregiver.  <b>Note:</b> If the Petition is granted, Court will set a status hearing as follows:  • <b>Thursday, December 15, 2016 at 9:00 a.m. in Dept. 303</b> for filing of the third account.  Pursuant Local Rule 7.5, if the document noted above is filed 10 days prior to the date listed, the hearing will be taken off calendar and no appearance will be required.
		<b>Account period: 10/20/2012 – 10/19/2014</b>	
<b>Cont. from</b>		Accounting - <b>\$130,720.04</b>	
<b>Aff.Sub.Wit.</b>		Beginning POH - <b>\$50,724.75</b>	
<input checked="" type="checkbox"/>	<b>Verified</b>	Ending POH - <b>\$8,170.65</b> (\$7,520.65 is cash)	
<b>Inventory</b>			
<b>PTC</b>		Conservator - <b>\$3,107.80</b> (15.55 Deputy hours @ \$96/hr and 21.25 Staff hours @ \$76/hr)	
<b>Not.Cred.</b>			
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>	Attorney - <b>\$1,250.00</b> (less than \$2,500.00 per Local Rule @ \$1,250.00/year for 2 years;)	
<input checked="" type="checkbox"/>	<b>Aff.Mail</b>	W/	
<b>Aff.Pub.</b>			
<input checked="" type="checkbox"/>	<b>Sp.Ntc.</b>	Bond fee - <b>\$153.74 (OK)</b>	
<b>Pers.Serv.</b>			
<b>Conf. Screen</b>		<b>Petitioner requests</b> the Court dispense with notice to the Conservatee's spouse, <b>SANDIE HERMOSILLO</b> , as they are in ongoing dissolutions proceedings [Note: Schedule D, Disbursements, shows dissolution-related payments for attorneys' fees pursuant to the Order Authorizing the Public Guardian to Pay Counsel filed 1/7/2013, which ordered <b>\$30,217.13</b> for legal services to be paid to Attorney Paul Lerandeau; and to the Order Allowing Compensation to Attorneys for Fees and Costs filed 1/7/2013, which ordered the Public Guardian to pay Attorney Marcus Magness <b>\$15,416.13</b> in fees and costs.]	
<b>Letters</b>			
<b>Duties/Supp</b>			
<b>Objections</b>			
<b>Video Receipt</b>			
<input checked="" type="checkbox"/>	<b>CI Report</b>		
<b>9202</b>			
<input checked="" type="checkbox"/>	<b>Order</b>		
<b>Aff. Posting</b>		<b>~Please see additional page~</b>	
<b>Status Rpt</b>			
<b>UCCJEA</b>			
<b>Citation</b>			
<b>FTB Notice</b>			
			<b>Reviewed by:</b> LEG
			<b>Reviewed on:</b> 12/15/14
			<b>Updates:</b>
			<b>Recommendation:</b>
			<b>File 3 - Herosillo</b>

**Petitioner prays for an order:**

1. Approving, allowing and settling the Second Account;
2. Authorizing the Conservator and attorney fees and commissions;
3. Authorizing payment of the bond fee; and
4. Finding good cause and dispensing with notice to the Conservatee's spouse.

**Court Investigator Jo Ann Morris' Report was filed on 3/26/2014.**

**(1) Amended Petition for Final Distribution and (2) for Allowance of Compensation for Ordinary Services on Waiver of Accounting**

<b>Age: 10/1/10</b>		<b>RONALD T. OYE</b> , Administrator, is petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b> <u><b>Please see related case on page 15.</b></u>  1. Amended Petition makes the same request as the original petition. Amended petition requests the ½ share of the decedent's estate that would go to his post deceased spouse, Katharine Kawano, instead pass to the Jim I. Kawano Trust pursuant the Petition to Determine Succession of Katharine Kawano (page 15 of this calendar). This petition must first pass the property to Katharine Kawano's estate in order for the Petition to Determine Succession to pass it to Katharine's Trust. Once in Katharine's Trust, the Trustee can pass it to wherever the Trust designates outside of the probate process. Need second amended petition.  2. Need proof of service of the Notice of Hearing on: a. Jim Kawano (minor beneficiary)  3. Need Order
		Accounting is waived.	
<b>Cont. from 081214, 101414, 111314</b>		I & A - <b>\$166,315.00</b>	
		POH - <b>\$166,315.00</b>	
	<b>Aff.Sub.Wit.</b>	Administrator - <b>waives</b>	
✓	<b>Verified</b>	Attorney - <b>\$5,989.45</b> (less than statutory)	
✓	<b>Inventory</b>	<b>Petitioner requests distribution as follows:</b>	
✓	<b>PTC</b>	Ron Oye, as Trustee of the Jim I. Kawano Trust - 50% interest in the real property	
✓	<b>Not.Cred.</b>	Ron Oye and Michiko Oye as guardians of the estate of Jim Kawano – 50% interest in the real property.	
✓	<b>Notice of Hrg</b>		
✓	<b>Aff.Mail</b>		
	<b>Aff.Pub.</b>		
	<b>Sp.Ntc.</b>		
	<b>Pers.Serv.</b>		
	<b>Conf. Screen</b>		
✓	<b>Letters</b>	2/20/13	
	<b>Duties/Supp</b>		
	<b>Objections</b>		
	<b>Video Receipt</b>		
	<b>CI Report</b>		
	<b>9202</b>		
	<b>Order</b>	X	
	<b>Aff. Posting</b>		
	<b>Status Rpt</b>		
	<b>UCCJEA</b>		
	<b>Citation</b>		
✓	<b>FTB Notice</b>		

<b>Reviewed by: KT</b>
<b>Reviewed on: 12/15/14</b>
<b>Updates:</b>
<b>Recommendation:</b>
<b>File 5 – Kawano</b>

Atty Kruthers, Heather H. (for Conservator Public Guardian)

1) First and Final Account 2) Report of Executor, and 3) Petition for its Settlement,  
4), for Allowance of Attorney's Fees, 5) and for Final Distribution

		<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>OFF CALENDAR</b></p> <p><i>Order Settling First Account was filed 11/17/2014.</i></p>
Cont. from		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: LEG
		Reviewed on: 12/15/14
		Updates:
		Recommendation:
		File 8 - Westenrider

Petition to Determine Succession to Real Property (Prob. C. 13151)

<b>DOD: 6/29/2011</b>		<b>RONALD T. OYE</b> , Trustee of the Katharine Kawano 2011 Trust dated 6/29/11, is petitioner.  40 days since DOD.  I & A - \$83,187.50  Petitioner requests Decedent's 50% interest in a 14.5% interest in real property located in Fresno County pass to him as Trustee of the Katharine Kawano 2011 Trust.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>Continued from 11/13/14. As of 11/7/14 the following issues remain:</b>  1. Need proof of service of the Notice of Hearing on: a. Bruce I. Kawano – minor beneficiary b. Guardians of Bruce I. Kawano.  2. Need Order.	
<b>Cont. from 101414, 121814</b>				
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>			
<input checked="" type="checkbox"/>	<b>Verified</b>			
<input checked="" type="checkbox"/>	<b>Inventory</b>			
<input type="checkbox"/>	<b>PTC</b>			
<input type="checkbox"/>	<b>Not.Cred.</b>			
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>			
<input type="checkbox"/>	<b>Aff.Mail</b>			X
<input type="checkbox"/>	<b>Aff.Pub.</b>			
<input type="checkbox"/>	<b>Sp.Ntc.</b>			
<input type="checkbox"/>	<b>Pers.Serv.</b>			
<input type="checkbox"/>	<b>Conf. Screen</b>			
<input type="checkbox"/>	<b>Letters</b>			
<input type="checkbox"/>	<b>Duties/Supp</b>			
<input type="checkbox"/>	<b>Objections</b>			
<input type="checkbox"/>	<b>Video Receipt</b>			
<input type="checkbox"/>	<b>CI Report</b>			
<input type="checkbox"/>	<b>9202</b>			
<input type="checkbox"/>	<b>Order</b>			X
<input type="checkbox"/>	<b>Aff. Posting</b>			
<input type="checkbox"/>	<b>Status Rpt</b>			
<input type="checkbox"/>	<b>UCCJEA</b>			
<input type="checkbox"/>	<b>Citation</b>			
<input type="checkbox"/>	<b>FTB Notice</b>			
<b>Reviewed by: KT</b>				
<b>Reviewed on: 12/15/14</b>				
<b>Updates:</b>				
<b>Recommendation:</b>				
<b>File 15 - Kawano</b>				



**17A Wayne Lee Bandy (Estate)**

Case No. 14CEPR00884

Atty Standard, Donna M. (for Terry Novack – Named Executor – Petitioner)

Atty Blyth, Stan D. (of Oakland, CA, for Contestants Shon Treanor and Jill Treanor)

Petition for Probate of Will and for Letters Testamentary; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)

<b>DOD: 9-21-14</b>		<b>TERRY NOVACK</b> , named Executor without bond, is Petitioner. (relationship not stated)  Full IAEA – Publication <u>does not</u> include IAEA.  Will dated 6-9-14  Residence: Squaw Valley, CA Publication: Fresno Bee  Estimated value of estate: Personal property: \$20,000.00 Annual income: "Unknown at this time, expectancy of daughter's estate"  Probate Referee: Steven Diebert	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <u>Note:</u> Page 17B is a Will Conset filed by Shon Treanor and Jill Treanor, Successor Trustees of the Cheryl Gortemiller Living Trust, is set for hearing on 12-18-14.  <u>Note:</u> Page 26 is a related matter (Conservatorship of Mary Louise Bandy)  <u>Minute Order 11-3-14:</u> Matter continued to meet up with the contest hearing.  <u>As of 12-15-14, the following issues remain:</u>  1. Need Letters.  2. The Will Contest alleges that Petitioner Terry Novack is a care custodian. The Court may require additional information with reference to Probate Code §21380 et seq., re presumption of undue influence.  <u>Note:</u> If the petition is granted, status hearings will be set as follows:  3. <b>Thursday, April 23, 2015</b> at 9:00 a.m. in Department 303, for the filing of the inventory and appraisal.  4. <b>Thursday, April 21, 2016</b> at 9:00 a.m. in Department 303, for the filing of the first account or petition for final distribution.  Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior the date set the status hearing will come off calendar and no appearance will be required.	
<b>Cont from 110314</b>				
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>			S/P
<input checked="" type="checkbox"/>	<b>Verified</b>			
<input type="checkbox"/>	<b>Inventory</b>			
<input type="checkbox"/>	<b>PTC</b>			
<input type="checkbox"/>	<b>Not.Cred.</b>			
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>			
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<input type="checkbox"/>	<b>Letters</b>	x		
<input checked="" type="checkbox"/>	<b>Duties/Supp</b>			
<input checked="" type="checkbox"/>	<b>Objections</b>			
<input type="checkbox"/>	<b>Video Receipt</b>			
<input type="checkbox"/>	<b>CI Report</b>			
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<input type="checkbox"/>	<b>Status Rpt</b>			
<input type="checkbox"/>	<b>UCCJEA</b>			
<input type="checkbox"/>	<b>Citation</b>			
<input type="checkbox"/>	<b>FTB Notice</b>			
<b>Reviewed by:</b> skc <b>Reviewed on:</b> 12-15-14 <b>Updates:</b> <b>Recommendation:</b> <b>File 17A – Bandy</b>				

17A

## Contest and Grounds of Objection to Probate of Purported Will

		<p><b>SHON TREANOR and JILL TREANOR</b>, Successor Trustees of the Cheryl Gortemiller Living Trust, filed this Contest and Grounds of Objection to Probate of Purported Will on 10-30-14. <b>MARK BANDY</b>, Son, filed a Joinder to the Contest on 12-3-14.</p> <p><b>Contestants state</b> they are interested persons as successor trustees of the Cheryl Gortemiller Living Trust, are creditors of the Decedent's estate, and are entitled to contest admission of the purported will to probate in that, as successor trustees of the Cheryl Gortemiller Living Trust, have satisfied the liability of the decedent's estate for the unpaid wages of Wayne Bandy's care custodian, Maria De Los Angeles Sala, for 271 hours of unpaid personal care of the decedent and are entitled to reimbursement from the estate.</p> <p><b>Contestants state probate of the purported will should be denied on the following grounds:</b></p> <ol style="list-style-type: none"><li>1. At the time of execution, Terry Novack was the care custodian of the decedent and the decedent was a dependent adult over age 65 as defined in Probate Code §21366.</li><li>2. The purported will was executed during the period in which Novack, acting as a care custodian, provided services to the decedent.</li><li>3. Novack failed to obtain a Certificate of Independent Review pursuant to Probate Code §21384 prior to execution of the purported will.</li><li>4. At the time of the alleged execution of the purported will, the decedent was not of sound and disposing mind.</li><li>5. Contestants are informed and believe and allege that the decedent's purported will is not and never was the decedent's will and was made at the time of its alleged execution as a result of the undue influence of Novack, in that Decedent was a long-term alcoholic and Novack, in full knowledge of Decedent's condition, continued to supply liquor to Decedent in large quantities in order to keep him in an inebriated state and falsely gain his trust and confidence, and as a result Novack was able to obtain Decedent's signature on the purported will due to his lack of capacity and as a result of false representations by Novack.</li></ol> <p><b>Contestants state</b> the decedent's heirs are Mark Bandy and James Bandy; however, the devisees named in the purported will are Terry Lyn Novack, Frank Blankenship, Bill Lovewell, Jr., and Lilarose Bangs.</p> <p><b>Contestants request the purported will be denied probate, costs of suit, and all other proper relief.</b></p> <p><b>SEE ADDITIONAL PAGES</b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Note: Attorney Standard filed Request for Judicial Notice on 12-5-14 regarding</b></p> <ol style="list-style-type: none"><li>1. Need Summons. Probate Code §8250.</li><li>2. Need proof of service of Summons and Notice of Hearing on all entitled pursuant to §8250.</li><li>3. Need order.</li></ol>
	</		

**Page 2****Attorney Donna Standard filed Request for Judicial Notice on 12-5-14 regarding the following:**

1. Certified Death Certificate of Cheryl Gortemiller.
2. Supplement to Petition for Appointment of Probate Conservator of the Person and Estate of Mary Louise Bandy Case No. 14CEPR00295.
3. Declaration of Jill Treanor in Opposition to Ex Parte Request for Appointment of Special Administrator Pending Trial.
4. Declaration of Wayne Lee Bandy, filed in the Cheryl Gortemiller Living Trust Matter, Case No. FPR 046489.

**Attorney Donna Standard filed Opposition to Contest on 12-5-14.** The Opposition provides numerous details regarding the history and relationships of all parties, communications prior to and after the deaths, and also provides details regarding the current litigation in Solano County (Case No. FPR046484) regarding the Cheryl Gortemiller Trust. Please see Opposition for details.

Ms. Novack states Ms. Standard was recommended by the Bandys' CPA Arthur Ostrander to change the terms of their trust. Terry was not present for the attorney's first meeting with Mr. and Mrs. Bandy, but Mr. Bandy directed Terry to give her a list of his assets that he wanted to be addressed. The list contained his home and investment/retirement accounts. The account beneficiaries were changed by Wayne prior to his death. That was the substance of his estate, except for the proceeds from his daughter's estate, which is the subject of the Gortemiller contest.

Ms. Standard prepared an amendment to their trust; however, neither Ms. Standard nor the notary believed Mrs. Bandy could execute the document appropriately, and both had concerns as to whether Mary fully understood what was occurring. Thereafter, the conservatorship proceeding was commenced with Wayne Lee Bandy, Arthur Ostrander, and Terry Novack as co-conservators of her estate, in which the conservators requested the power to change the trust. See Supplement to Petition referenced with Request for Judicial Notice. Conservatorship was granted on 6-2-14; however, Letters were not issued before she passed away on 6-8-14. No assets were collected by the co-conservators.

Mr. Bandy, pursuant to the terms of their trust, acquired all assets as the sole survivor to their trust estate, and thereafter requested that Ms. Standard prepare a new will, which is the subject of this proceeding. In that will, Mr. Bandy made specific bequests with the balance going to Terry Novack. A certificate of independent review could not be obtained because the attorney could not find an attorney to come up from Fresno to review and speak to Wayne, including his former attorney, David Hogue. Instead, Ms. Standard contacted APS to investigate elder abuse claims against Terry and felt comfortable with their investigation results.

Ms. Novack states the only address for Mark Bandy that could be gleaned from private investigators was the address on Data Drive, and that is also the only address the Court Investigator could find also. It is noted that the Joinder allegedly filed on behalf of Mark Bandy is not verified, and Mark Bandy has made no personal appearances.

Ms. Novack states Mr. and Mrs. Bandy are the sole heirs to the estate of Cheryl Gortemiller, who had no issue, and her spouse died before her. It was represented at the hearing in Solano County that the value of her estate is approx. \$6,000,000.00. After receiving a contest to this petition, Ms. Novack filed a Petition for Appointment as Special Administrator to the Estate of Cheryl Gortemiller, since Cheryl effectively died intestate. At an ex parte hearing in Solano County, a private fiduciary was appointed to marshal the assets of Cheryl Gortemiller and the Court suspended the powers of the Treanors as successor trustees pending trial in that matter. This is primarily based on the fact that the Treanors indicated in this proceeding that they had "satisfied" an alleged debt of Wayne Bandy to Maria Salas, when they had indicated in the Gortemiller proceeding that they had no access to funds.

**SEE ADDITIONAL PAGES**

## Page 3

Ms. Novack states the Treanors have been residing in Cheryl Gortemiller's home since her death. The new successor trustee is to determine whether or not they will be paying back rent and future rent for the property.

It is critical that Ms. Novack be appointed as Executor of the Estate of Wayne Bandy. The Treanors have made numerous efforts to impede her appointment. Their allegations of undue influence are completely unwarranted. While there is no Certificate of Independent Review obtained, there is more than clear and convincing evidence, no undue influence was exerted upon Mr. Bandy when his will was prepared and executed.

The purpose to interfere with Terry's appointment is clear. If she does not receive appointment, the trust proceeding is stalled. Mr. Bandy did not want his son to have any involvement in this estate or to obtain any benefit from his estate. Those were Mary's wishes as well prior to her death. Wayne did not believe Shon or Jill Treanor should receive any property from his daughter's estate, as they let her die without taking steps to keep her healthy and alive.

There is sufficient clear and convincing evidence to demonstrate Wayne Bandy was of sound mind when he executed his will. There is a police investigator's opinion that Mr. Bandy knew full well what he desired and had the capability of making those decisions. There is an APS investigator who discussed with Wayne and Mary their intentions and desires. Even Mary, in her poor condition, was determined by the Court Investigator to understand and have capacity to understand the proceedings that were being conducted. See Court Investigator's report in related conservatorship matter.

**Standing:** The Treanors have no standing to make this contest. While Mark Bandy may have standing to do so, there is more than sufficient evidence that Wayne Bandy was of sound mind. Mark had not seen his parents in many years, after he had stolen \$20,000 from them.

**Based on the foregoing, it is respectfully requested that the Court grant Petitioner's request to be appointed as Executrix. If trial is necessary, Petitioner requests appointment as Special Administrator for the purpose of affecting an outcome in the Gortemiller trust proceedings. Without such appointment, there is no one on behalf of Wayne Bandy to follow through with objection to appointment of the Treanors as beneficiaries of a trust created eight days before their daughter's death.**

<b>DOD: 1-12-89</b>	<b>MARY ELLEN RODRIGUEZ and DOLORES TRUJILLO</b> , Daughters, were appointed as Co-Administrators without IAEA and with bond of \$8,000.00 on 1-16-1990.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		<b>Note:</b> The Co-Administrators were previously represented by attorney Jin Ishikawa, now deceased. Pursuant to Substitution of Attorney filed 10-1-14, Attorney Danielle Guerrero now represents the sole remaining Administrator, Dolores Trujillo.
<b>Cont. from 081414, 100214, 110614</b>	Bond was filed and Letters issued on 1-17-1990.	1. Need account or petition for final distribution pursuant to Probate Code §12200 or verified written status report pursuant to Local Rule 7.5.
<b>Aff.Sub.Wit.</b>		
<b>Verified</b>	Nothing further was filed.	<b>Update:</b> On 12-9-14, Attorney Guerrero filed Status Report and Request for Continuance on Filing First Account and Petition for Final Distribution. Ms. Guerrero states the Law Offices of Philip M. Flanigan was recently retained as counsel in this matter. A buyer has been found for the property. Once the sale is confirmed, a petition can be filed for final distribution. 45 days is requested.
<b>Inventory</b>		
<b>PTC</b>	The open estate was discovered and the Court set this status hearing.	
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>		
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>	<b>Update:</b> The I&A was filed 10-1-14, and on 12-5-14, Dolores Trujillo filed a Report of Sale and Petition for Order Confirming Sale of Real Property that is set for hearing on 1-12-15.	
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
		<b>Reviewed by:</b> skc
		<b>Reviewed on:</b> 12-15-14
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 23A – Rodriguez</b>

## Status Hearing Re: Filing of the Inventory and Appraisal; Filing of First Account and/or Petition for Final Distribution

<b>DOD: 6-9-11</b>		<b>JANETTE COURTNEY</b> , was appointed Executor with Full IAEA without bond and Letters issued on 9-15-11.	<b>NEEDS/PROBLEMS/COMMENTS:</b> <b>Minute Order 4-8-13:</b> Mr. Keeler and Mr. Ivy are appearing via conference call. Mr. Ivy is directed to file a fully executed agreement with the court. Matter is set for Status Hearing on 5/24/13 regarding the settlement agreement and the dismissal. If the agreement and dismissal are filed by 5/24/13, no appearance will be necessary. The status hearing regarding the inventory and appraisal is continued to 6/28/13 for appearance by Mr. Neilson only. Set on 5/24/13 @ 9:00 a.m. Dept. 303 for: Status Hearing Re: Settlement Agreement and Dismissal <b>Note:</b> Full and Complete Settlement Agreement and Mutual Release of All Claims filed 4-11-13, and dismissal of petition filed by Dennis L. Thomas on 12-19-11 was entered on 5-1-13. <b>Minute Order 9-18-14:</b> No appearances. Mr. Bruce A. Neilson is ordered to personally appear. Continued to 10-23-14 at 9:00 in Dept. 303. <b>Note: This is the 12<sup>th</sup> status hearing on this matter. As of 12-15-14, nothing further has been filed.</b> 1. Need Final I&A. 2. Need First Account or Petition for Final Distribution pursuant to Probate Code §12200.
		Inventory and Appraisal Partial No. 1 filed 2-13-13 included commercial real property valued at \$250,000.00, which was sold pursuant to Order Confirming Sale of Real Property.	
<b>Cont. from 040813, 062813, 072613, 100413, 011714, 032114, 042514, 060614, 072114, 091814, 102314</b>		At hearing on 2-25-13, the Court set status hearing for 4-8-13 for the filing of the Final Inventory and Appraisal, filing of the first account, and/or petition for final distribution.	
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>	The status hearing for filing of the final Inventory and Appraisal has been continued to 6-28-13 and now 7-26-13.	
<input type="checkbox"/>	<b>Verified</b>	<b>Status Report filed 7-19-13 states:</b>	
<input type="checkbox"/>	<b>Inventory</b>	<ul style="list-style-type: none"> <li>Petitioner has performed all required duties as personal representative</li> <li>All known debts have been paid except for mortgage on real property which has a market value below the mortgage amount</li> <li>All administration costs to date except for compensation to the personal representative and attorney have been paid</li> <li>The estate is solvent</li> <li>A creditor's claim filed by Steven Drummond has been rejected</li> <li>There is currently no pending litigation involving the estate; however, there is a potential claim against beneficiaries for recovery of a vehicle and reimbursement for sales tax paid</li> <li>The status of a business being operated by a beneficiary, and the estate's current interest therein, has yet to be determined/negotiated.</li> <li>It is estimated that an additional three (3) months will be needed to complete administration of the estate, unless litigation is needed to recover the vehicle.</li> <li><b>Petitioner requests authority to continue administration until 10-1-13.</b></li> </ul>	
<input type="checkbox"/>	<b>PTC</b>	<b>Status Report filed 10/03/13 states:</b> Since the prior status hearing the executor has been able to locate the Chevrolet Suburban, however it is damaged and towing and storage may be equal or more than the value. A compromise with the storage facility is being negotiated. Additionally, no paperwork has been located regarding the horse that a beneficiary claims belonged to the decedent and for which he is making a claim for care and feeding. The estate has rejected the claim. As to the real property in Mariposa, CA, it was thought that the bank was foreclosing on the property, but they have not. Time is requested to appraise and inventory this property and the Suburban as well as resolve the disposition of the horse.	
<input type="checkbox"/>	<b>Not.Cred.</b>		
<input type="checkbox"/>	<b>Notice of Hrg</b>		
<input type="checkbox"/>	<b>Aff.Mail</b>		
<input type="checkbox"/>	<b>Aff.Pub.</b>		
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input type="checkbox"/>	<b>Pers.Serv.</b>		
<input type="checkbox"/>	<b>Conf. Screen</b>		
<input type="checkbox"/>	<b>Letters</b>		
<input type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input type="checkbox"/>	<b>9202</b>		
<input type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		
<b>Reviewed by:</b> skc			
<b>Reviewed on:</b> 12-15-14			
<b>Updates:</b>			
<b>Recommendation:</b>			
<b>File 24 - Drummond</b>			

Atty Rinehart, Rusty, of Rinehart Law Offices, Campbell, CA (for Craig Gammel, Administrator)

## Status Hearing Re: Filing of the Inventory and Appraisal

<b>DOD: 9/16/2013</b>	<b>CRAIG GAMMEL</b> , nephew, was appointed Administrator with Full IAEA authority with bond of <b>\$270,000.00</b> on 4/15/2014.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		<b>Continued from 11/13/2014.</b> Minute Order states Mr. Rinehart requests additional time for the inventory and appraisal to be completed. The Court grants one last continuance with regard to this matter. If the inventory and appraisal is not filed by 12/16/2014, then Mr. Rinehart and Craig Gammel are ordered to be personally present in Court or appear via Courtcall on 12/18/2014, or the Court will consider sanctions.
<b>Cont. from 072514, 111314</b>	<b>Proof of Bond in the sum of \$270,000.00</b> was filed on 2/7/2014.	<b>Note for background:</b> Minute Order dated 7/25/2014 states counsel reports that he is still working on the inventory.
<b>Aff.Sub.Wit.</b>		
<b>Verified</b>	<b>Letters issued on 5/20/2014.</b>	
<b>Inventory</b>		
<b>PTC</b>	<b>Pursuant to Probate Code § 8800(b),</b>	
<b>Not.Cred.</b>	<i>Final Inventory and Appraisal</i> is due <b>9/20/2014.</b>	
<b>Notice of Hrg</b>		
<b>Aff.Mail</b>	<b>Minute Order dated 4/15/2014</b> from the hearing on the petition for letters of administration set the matter for a Status Hearing for filing of the final inventory and appraisal on 7/25/2014.	1. Need <i>Final Inventory and Appraisal</i> pursuant to Probate Code § 8800(b), or verified Status Report and proof of service of notice of the Status Hearing pursuant to Local Rule 7.5(B).
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		<b>Note:</b> Due to the delay in the issuance of <i>Letters</i> from the time of the appointment on 4/15/2014, the first account and/or petition for final distribution of the estate will not be due until 12 months after date of issuance of <i>Letters</i> Pursuant to Probate Code § 12200, which falls on <b>5/20/2015</b> . Court may wish to change the Status Hearing <u>currently set</u> in this matter <b>from Friday, 4/24/2015</b> for the filing of the first account and/or petition for final distribution <u>to the following date:</u>
<b>Letters</b>		<ul style="list-style-type: none"> <li><b>Thursday, July 23, 2015 at 9:00 a.m. in Dept. 303</b> for filing the first account and/or petition for final distribution.</li> </ul>
<b>Duties/Supp</b>		Pursuant Local Rule 7.5, if the document noted above is filed 10 days prior to the date listed, the hearing will be taken off calendar and no appearance will be required.
<b>Objections</b>		<b>Reviewed by:</b> LEG
<b>Video Receipt</b>		<b>Reviewed on:</b> 12/15/14
<b>CI Report</b>		<b>Updates:</b>
<b>9202</b>		<b>Recommendation:</b>
<b>Order</b>		<b>File 25 – Gammel</b>
<b>Aff. Posting</b>		
<b>Status Rpt</b>	X	
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		

Status Hearing for Failure to Have Letters Issue

<b>DOD: 06/08/2014</b>		<p><b>WAYNE L. BANDY</b> (now deceased), <b>spouse, ARTHUR OSTRANDER, friend (CPA), and TERRY NOVAK, friend (Caregiver)</b>, were appointed as Co-Conservators of the Person and Estate with independent powers under Probate Code §2590, without bond.</p> <p>Letters have not issued.</p> <p>Notice of Status Hearing was filed 09/03/2014.</p> <p><b>Status Report filed 11/14/2014</b> states the conservatee in this matter, Mary Louise Bandy, died on 06/08/2014 in Fresno County, California. There were no Letters of Conservatorship issued before her death and no assets were collected by the Conservators. All property that belonged to the conservatee was in a trust and passed to her then living spouse, Wayne L. Bandy, the surviving Settlor and Trustee of the Wayne &amp; Mary Bandy Living Trust of 2002. There was no pour over will for Mary Louise Bandy. There are no estate proceedings pending on behalf of Mary Louise Bandy or her estate. There is a pending proceeding regarding the Estate of Wayne L. Bandy, Case No. 14CEPR00884 with his will annexed.</p> <p>Notice of death and of these proceedings have been given to Mark Bandy who is the successor Trustee to the Trust Estate and is the sole beneficiary of the trust. The trust only includes the Conservatee's home, which is valued less than the present mortgage held against the property. Petitioner and/or her legal counsel have not received any communication from Mark L. Bandy.</p> <p>There is presently a contest over the Estate of Cheryl Gortemiller, the Conservatee's deceased daughter. Wayne L. Bandy commenced the objection to an unfunded trust created three weeks prior to his daughter's death, allegedly leaving her estate to her deceased spouse's niece and her husband. This disposition was disputed by Wayne L. Bandy prior to his death. Terry Novack has petitioned the Solano County Court to be Administrator of the Estate of Cheryl Gortemiller, as Ms. Gortemiller effectively died intestate.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Note: Page 17A and 17B is a related matter (Estate of Wayne Lee Bandy)</b></p> <p>Minute Order of 11/03/2014 (Judge Kazanjian): Ms. Standard is to have a verified declaration regarding 2590 powers filed no later than 12/11/2014.</p> <p>Minute Order of 10/08/2014 (Judge Cardoza): Counsel reports that Ms. Bandy passed away before letters could be issued. Counsel is ordered to submit written status report.</p>
<b>Cont. from 100815, 110314</b>			
<b>Aff.Sub.Wit.</b>			
<b>Verified</b>			
<b>Inventory</b>			
<b>PTC</b>			
<b>Not.Cred.</b>			
<b>Notice of Hrg</b>			
<b>Aff.Mail</b>			
<b>Aff.Pub.</b>			
<b>Sp.Ntc.</b>			
<b>Pers.Serv.</b>			
<b>Conf. Screen</b>			
<b>Letters</b>			
<b>Duties/Supp</b>			
<b>Objections</b>			
<b>Video Receipt</b>			
<b>CI Report</b>			
<b>9202</b>			
<b>Order</b>			
<b>Aff. Posting</b>			
<b>Status Rpt</b>			
<b>UCCJEA</b>			
<b>Citation</b>			
<b>FTB Notice</b>			



Atty Lopez, Janelle (Pro Per – Mother – Petitioner)  
 Atty Shore, Gail (Pro Per – Paternal Grandmother – Guardian)

## Petition for Termination of Guardianship

			<b>JANELLE LOPEZ</b> , Mother, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
			<b>GAIL SHORE</b> , Paternal Grandmother, was appointed guardian of this minor and her brother on 8-26-04.	<b>Note:</b> This petition is for termination of guardianship of minor Therese only.
<b>Cont from 111314</b>				<b>Minute Order 11-13-14:</b> Examiner Notes handed in open Court; matter continued for the defects to be cured and for a reciprocal report from the Court Investigator in Santa Clara County. Continued to 12-18-14.
	<b>Aff.Sub.Wit.</b>		Father: <b>JASON THROOP</b>	
✓	<b>Verified</b>		Paternal Grandfather: Unknown	<b>As of 12-15-14, nothing further has been filed. The following issues remain:</b>  1. Need Notice of Hearing.  2. Need proof of service of Notice of Hearing at least 15 days prior to the hearing pursuant to Probate Code §1460(b)(5) <u>or</u> consent and waiver of notice <u>or</u> declaration of due diligence on: - Gail Shore (Guardian) - Therese Throop (Minor) - Jason Throop (Father) - Jason Throop, Jr. (Sibling) - Ernest Marleau (Maternal Grandfather) - Donna Jones (Maternal Grandmother) - Unknown Paternal Grandfather
	<b>Inventory</b>		Maternal Grandfather: Ernest Marleau	
	<b>PTC</b>		Maternal Grandmother: Donna Jones	
	<b>Not.Cred.</b>		Siblings: Jason Throop, Jr.	
	<b>Notice of Hrg</b>	x	<b>Petitioner states</b> the minor will be 14 years old and has made the decision herself to live with	
	<b>Aff.Mail</b>	x	Petitioner. She is now living with Petitioner.	
	<b>Aff.Pub.</b>		<b>Santa Clara Court Investigator Yvette Valenzuela filed a report on 12-9-14.</b>	
	<b>Sp.Ntc.</b>			
	<b>Pers.Serv.</b>			
	<b>Conf. Screen</b>			
	<b>Letters</b>			
	<b>Duties/Supp</b>			
	<b>Objections</b>			
	<b>Video Receipt</b>			
✓	<b>CI Report</b>			
	<b>9202</b>			
✓	<b>Order</b>			
	<b>Aff. Posting</b>			
	<b>Status Rpt</b>			
	<b>UCCJEA</b>			
	<b>Citation</b>			
	<b>FTB Notice</b>			
				<b>Reviewed by:</b> skc
				<b>Reviewed on:</b> 12-15-14
				<b>Updates:</b>
				<b>Recommendation:</b>
				<b>File 27 – Throop</b>